

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
ANDRE ROBERTS ) : Examiner: Kelly Jo Bekker  
Application No.: 10/540,260 ) : Art Unit: 1794  
Filed: January 10, 2006 ) : Conf. No. 8667  
For: AERATED CHOCHOLATE WITH )  
MICROBUBBLES FOR IMPROVED ) :  
STABILITY ) June 29, 2009

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Applicant petitions to extend the time for response to the Office Action dated February 26, 2009, to and including July 26, 2009. An extension fee of \$1,730.00 has been paid via the Electronic Filing System. Please charge any additional fee required for the extension, or credit any overpayment, to Deposit Account 06-1205.

In response to the Examiner's restriction requirement dated February 26, 2009 in the above identified case, Applicant hereby elects to prosecute Group II, claims 8-16 without traverse.

Favorable consideration and early passage to issue of the present application are respectfully requested.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Raymond R. Mandra/  
Raymond R. Mandra  
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